

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

LLDVF, L.P.,

Plaintiff,

v.

ROBERT J. DINICOLA, FRANCIS M.
ROWAN, PETER P. COPSES, ANDREW
S. JHAWAR, LINENS INVESTORS, LLC,
APOLLO INVESTORS, LLC, LEE S.
NEIBART, BRIAN PALL, NRDC REAL
ESTATE ADVISORS I, LLC, MICHAEL A.
GATTO, SILVER POINT CAPITAL FUND
INVESTMENTS LLC and APOLLO
MANAGEMENT V, L.P.,

Defendants.

ORDER

Civil Action No.: 09-1280 (JLL)

Currently before this Court is a motion to dismiss Plaintiffs Amended Class Action Complaint filed by the “Management Defendants,”¹ a motion to dismiss filed by the “Shareholder Defendants”² and “Non-Management Defendants,”³ and a motion to dismiss filed by Defendant Silver Point Capital Fund Investments LLC (collectively “Defendants”). For the reasons set forth in this Court’s corresponding Opinion,

It is on this 12th day of August, 2010,

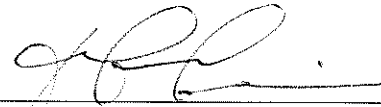
¹ Robert J. DiNicola and Francis M. Rowan.

² Linens Investors, LLC, Apollo Investors LLC, Apollo Management V, L.P., and NRDC Real Estate Advisors I, LLC.

³ Peter P. Copses, Andrew S. Jhawar, Lee Neibert, Brian Pall, and Michael Gatto.

ORDERED that Defendants' motions to dismiss (CM/ECF Nos. 17, 20, 21) are GRANTED. All claims are dismissed without prejudice; and it is further

ORDERED that Plaintiff shall have twenty (20) days to file an amended complaint curing the deficiencies identified in the Court's corresponding Opinion. If an amendment is not filed within this time, the claims will be dismissed with prejudice.

A handwritten signature in black ink, appearing to read 'J. Linares', is written over a horizontal line.

Jose L. Linares,
United States District Judge